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Connecticut Planning

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SPRAWL: What Can We Do About It In Connecticut?

by Christopher J. Smith, Esquire

**Register today for the
Regional Conference
in New Haven on
October 19-20!**

It is not too late to sign up for the **2000 NEW ENGLAND PLANNING CONFERENCE**, October 19 and 20 in New Haven. Two full days of sessions, mobile workshops, and a big party are waiting for you at the Omni Hotel in New Haven. Topics cover all of the hot button issues we deal with daily. See the green brochure you received in the mail a few weeks ago for more information. Or call Sally Pickett at (860) 236-1013, Dan Tuba at (203) 452-5424, or any of the officers listed in this newsletter. See you in New Haven!

Sprawl. Most of us have an idea of what sprawl means. However, defining sprawl in two sentences or less often leaves one feeling that one has more to say. Perhaps the best way to describe sprawl, to paraphrase a United States Supreme Court Justice when defining pornography, is: "Sprawl...It's difficult to define, but I know it when I see it." Everyone recognizes that sprawl is a problem. However, until society appreciates the indirect costs associated with sprawl, efforts to effectuate policy and legislative shifts may be challenged, or, at minimum, require great perseverance.

There have been numerous seminars, conferences, articles and entire books on sprawl. What is perceived by some as the solution to the problem of sprawl — smart growth, or the more efficient growth management of our human environment — has risen to the top of many agendas. Indeed, one can't go to a planning conference (or pick up a planning newsletter such as this) without being exposed to a workshop or article on these topics.

This article is one small "call to arms" to attack (yes, it's a war) sprawl and its

runaway effects. I suggest that education is the primary weapon required to confront sprawl successfully. Educating society about the significant adverse effects of sprawl on our human environment, the urgency for action, and the tools available to address sprawl, is the critical first step. Once one understands the problem and possible solutions, one is more open-minded and tolerant of required change, and more willing to contribute to the solution.

The article first addresses the problem of sprawl, and then discusses how best to educate communities about effectuating meaningful changes and implementing possible solutions.



Education: the Critical First Step

Once again, we know it when we see it — and we see it everywhere. But, let's go to the next level — what are causes and effects of sprawl that adversely

impact our day-to-day human environment?

The first comment generally heard from "experts" on sprawl is that sprawl results in a loss of sense of community

(continued on page 8)

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Sprawl (cont'd from p. 1)

and quality of life. This is certainly the case. However, this “loss” is extremely subjective, means different things to different people, and as a result, is difficult to assess for the purpose of encouraging incentives to reform current patterns of development.

An adverse result of sprawl that is more objective and compelling is money. Sprawl costs everyone money — big money. Indeed, it's one of society's largest single cost items. Worse, it's a cost that does not provide any meaningful offset in return.

It is almost universally accepted that urban decay and suburban sprawl are intertwined — one simply feeds off the other. A main contributor to urban decay is suburban flight. Suburban flight results in a loss of human and financial resources for our urban centers and first ring suburbs. This flight of resources causes a loss in property values, with attendant loss of tax revenue, for the urban centers. As property values and tax revenue decrease, there is greater flight from our urban centers. This problem is exacerbated by a lack of government assistance for the maintenance of existing, or construction of new, urban infrastructure, or promotion of urban infill and redevelopment (critical for any municipal, regional, state or national economy).

As a result of suburban flight, we have suburban build-out. Often this build-out requires new suburban infrastructure — the concept of “concurrency” has not been established as a prerequisite to build-out in most suburban communities or regions. The build-out generates significant

costs (i.e., schools, municipal services such as police, fire and refuse disposal, roads and sewers). The suburban towns cry for state funding, and often receive it at the expense of our urban centers. This accelerates the loss of property values and tax resource revenue for the urban areas which, in turn, increases suburban flight — and the cycle continues generating huge costs for everyone.

The objective monetary costs associated with sprawl, as well as the subjective loss of quality of life, are self-evident to most. Unfortunately, hard-cost numbers aren't readily available, and how these numbers relate to the specific effects of sprawl are often difficult, at best, to understand and appreciate.

In the recently completed Rhode Island study entitled *Grow Smart Rhode Island*, real numbers were attributed to the aforementioned results of sprawl. The *Report* concluded, in part, that urban decay and suburban sprawl will cost Rhode Island taxpayers almost \$1.5 billion over the next twenty years. A substantial portion of this figure is attributed to the loss of tax revenue associated with the decline of urban property values, and the costs for new infrastructure to support suburban build-out. (For example, the *Report* found that Rhode Island's core urban centers experienced a 24% decline in property values (more than \$3.3 billion) over the ten-year period from 1988 to 1998.)

Educating ourselves about the actual monetary costs associated with sprawl is a first step to effectuating critical policy and legislative action addressing the causes of sprawl (e.g., encouraging urban infill and redevelopment measures, and requiring

better growth management for suburban areas). Money talks.

How do we in Connecticut generate numbers? Perhaps a legislative “task force” or “blue ribbon commission” to study the issue is appropriate (similar to Connecticut’s recent Blue Ribbon Commission on Affordable Housing). The media coverage alone generated by such “commissions” is substantial. In addition, organizations such as the Connecticut Conference of Municipalities, the Connecticut Homebuilders Association, Inc., Connecticut Chapter of the American Planning Association, and any of the numerous universities in our State, can combine resources in such an effort. Several regional planning agencies have addressed these issues in updating regional plans of development. Certain non-profit organizations are promoting studies (e.g., Connecticut Fund for the Environment, Inc. recently completed a paper/report on sprawl in Connecticut). Studies emanating from smart growth initiative states such as Rhode Island, New Jersey and Maryland may provide assistance on these issues.

With concrete fiscal numbers in hand, we can campaign to generate a public constituency for smart growth initiatives.

What Policy or Legislative Action Options Are Available? — Macro or “Big Picture” Solutions

As found in the Rhode Island study, a key to curbing sprawl is to reverse urban decay. Society’s current “throw away the old urban center” mentality (similar to the case of an old television set where it’s “cheaper to buy a new one than fix the existing set”) is perverse. This attitude feeds sprawl even in the current healthy

economy when we should be directing surplus resources to smart growth measures such as brownfield redevelopment and urban infill.

Brownfield redevelopment and urban infill must be encouraged. Brownfield redevelopment can be further promoted with legislation that effectuates Brownfield redevelopment in an expedited manner, with financial incentives and greater liability protection, without compromising the environment. Urban infill may be encouraged by the effective utilization of municipal blight ordinances to clear unused urban areas for redevelopment. Tax credits for infill and historic preservation may be provided. Funds to preserve, maintain and rebuild existing urban infrastructures are also essential (e.g., schools, roads, utilities, sewers, and public transit). These funds would be in addition to revenue generated by property taxes.

The high degree to which Connecticut municipalities rely upon the property tax to fund local services also works against smart growth. Each town and city fights to retain a piece of the commercial and industrial pie in order to generate local tax revenue. High property taxes in urban areas, when compared to the suburbs, discourage both businesses and individuals from locating in cities. In Connecticut, recent State legislation authorizing inter-municipal tax sharing represents a first step in addressing this issue. An Act Concerning Voluntary Municipal Revenue Sharing, adopted by the General Assembly in the 2000 Session, allows two or more municipalities to enter into an agreement to share revenues received for payment of real and personal property taxes. The

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Sprawl (cont’d from p. 9)

effective utilization of this law by municipalities can begin to strengthen urban centers, and their suburban towns, by allocating tax revenues for infrastructure costs on a more appropriate “user” basis.

A shift by government in transportation, tax and urban redevelopment policies provides a market incentive for individuals and businesses to redirect their locational decisions from the sprawling suburbs to existing, ready to be utilized, urban centers. The survival and rejuvenation of our urban cities is the best first defense against suburban sprawl.

As to the effects of sprawl upon suburbia, zoning enabling legislation mandating (or explicitly authorizing) “concurrency” or “growth management” zoning regulations is necessary. Concurrency regulatory provisions requiring that the timing and sequencing of development be concurrent with the availability of public services and facilities (infrastructure) have worked elsewhere. Whether a municipal zoning or planning commission has statutory au-

thority to promulgate such regulatory requirements in Connecticut is unclear without explicit enabling legislation.

Another tool to encourage municipalities to at least consider sprawl issues is a mandate that municipal plans of conservation and development provide for a concurrency or growth management analysis. Legislation could also mandate that natural resource-based or agricultural-based zoning concepts be included in such plans.

Perhaps the zoning enabling legislation (Section 8-2 of the Connecticut General Statutes) should be amended to explicitly authorize, as opposed to give “reasonable consideration” of, natural resource-based and/or agricultural-based zoning. Connecticut’s Environmental Protection Act (“CEPA”) should be amended to clarify that prime agricultural land (a significant rural land resource) constitutes a “natural resource of the State” as provided by CEPA which our State Supreme Court held otherwise over a decade ago.

Finally, though this may smell like the first scent of “regionalism” (a perceived

evil in our old Yankee Constitution State), we may consider legislation that requires “large scale developments” to receive both local/municipal *and* regional or state land use approval. Such legislation would provide concurrent review of, for example, residential developments greater than 100 dwelling units, or retail developments with buildings exceeding 60,000 square feet in total floor area. Each reviewing authority would have veto authority (subject to judicial review). In the alternative, a negative recommendation from a regional or state authority could require a two-thirds (2/3) majority vote of a municipal agency to approve such development. This review process would encourage the efficient use of infrastructure for such proposals by redirecting locational decisions to urban areas first, thereby encouraging urban infill/redevelopment over suburban/greenfields sprawl.

Micro or “In the Trenches” Solutions

The individuals who address land use issues for our communities are municipal professional planners and those serving on

municipal zoning, planning, zoning boards of appeals, conservation, and inland wetlands and watercourses commissions. In Connecticut, this group is the “common denominator” for land use decision-making on how a municipality is redeveloped (as to our urban centers), or developed (as to our suburban towns). Finally, this group’s authority is limited to the statutory powers delegated to it by the State General Assembly.

Therefore, it is essential for this group to be authorized to implement certain “growth management” options through the enabling statutes, and to understand these options (how to effectively utilize them, and how they fit into the larger framework). To accomplish this, we must first have appropriate legislation. Second, we must educate this group.

Some effective land use measures to promote growth management at the local level, that may be created or strengthened legislatively, include: a) concurrency or sequencing requirements; b) land banking (land purchased outright by a municipality
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Educating our citizens about the costs of sprawl is the critical first step on the road to reversing urban decay and controlling suburban sprawl through effective growth management.

by Alan L. Weiner, AICP
CCAPA Membership Chairman

■ Current CCAPA Membership

As of August 15, 2000 (the latest date for which such information is available), CCAPA had a total enrollment of 432 members.

■ Welcome to Our Newest Members!

The following are the newest members of CCAPA (through 8/15/00):

Susan Cullen, Pawcatuck
Mark Healey, Stamford
Christopher Hynes, New Haven
Matthew McKay, Suffield
Chandra Sekhar Parasa, New Haven
Michael Piscitelli, Hamden
Norma Williams, Ridgefield

■ Members In the News

Recent personnel changes
abound at the Central Connecticut
Regional Planning Agency in Bristol:

• **Mel Schneidermeier, AICP**, long-time Director of CCRPA, retired earlier this year.

• **Ken Shooshan-Stoller**, formerly one of the agency's staff planners, is now Assistant Town Planner for the Town of Southington. He can be reached at Town Hall, 75 Main Street, Southington 06489. Phone: (860) 276-6248; Fax: (860) 628-8669.

• **Barbara Breslin**, the agency's former Deputy Director, now works

Sprawl (cont'd from p. 11)

or land trust); c) acquisition of development rights — where ownership of the land is not acquired, but the land's development rights are controlled through the purchase of development rights ("PDRs"), or transfer of development rights ("TDRs"); d) mandated cluster zoning for every municipality (as opposed to simply being authorized by zoning enabling legislation); e) conservation easements (with or without public access); f) agricultural-based zoning; g) natural resource-based zoning; h) village districting; i) historic districting; j) ridgeline protection zoning; k) aquifer protection zoning; l) watershed-based zoning; m) for urban areas — adaptive reuse zoning provisions; flexible setback requirements to permit redevelopment of nonconforming buildings; and shared or alternate parking schemes (off-site, payment in lieu) to promote the more efficient use of parking areas; and n) for suburban areas — zoning provisions for multi-family zoning districts, accessory apartments, and home occupation/home offices.

An appropriate forum for educating our municipal land use authorities on these measures may be the Connecticut Land Use Education Partnership ("LUEP") which currently provides a three-part education program for members of municipal land use agencies. The program is sponsored by a number of organizations including the Connecticut Chapter of the American Planning Association. Indeed, municipalities could require that the new members of their land use agencies attend these training sessions. In addition, the State may consider pro-

moting regional "town meeting style" public meetings to discuss sprawl. An educational program for school-age children (similar to recycling) could also be sponsored by the State.

People have to care...and act

Educating our community about sprawl will help to sustain and energize a meaningful anti-sprawl constituency. As with recent societal mobilization efforts successfully carried out to address recycling, protect our wetlands, and require environmental controls for air emissions and discharges into our rivers and the Long Island Sound, educating our citizens about the costs of sprawl (both monetary and loss of quality of life) is the critical first step on the road to reversing urban decay and controlling suburban sprawl through effective growth management.

Once again, this article is a call to our legislative leaders and citizens to encourage and support initiatives necessary to address urban decay and suburban sprawl. Many of these measures involve change. Without question, a change to a more efficient land use growth management practice is required. Whether we have the resolve to take effective action to save and preserve our human environment remains to be seen — but we can't wait too long. ■

Christopher J. Smith is a member of the law firm of Pullman & Comley, LLC. He is past chairperson of the Planning and Zoning Section of the Connecticut Bar Association (1997-2000). Mr. Smith's legal practice focuses on zoning, planning, wetlands and environmental issues.